

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DAVID ROTH,  
  
Defendant.

Case No. CR20-216-RSL

ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS  
DATES

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial and Pretrial Motions Dates." Dkt. # 14. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, Dkt. # 15, the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: specifically, that because of the COVID-19 pandemic, the conditions of confinement at the Federal Detention Center where defendant has been detained, and the nature of discovery, defense counsel has not had adequate time to review the factual basis of the charges with defendant, and that the allegations span multiple jurisdictions and defense counsel needs additional time to address the out-of-district concerns. Dkt. # 14. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to continue the trial date in this case would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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1 3. The Court finds that the additional time requested between March 15, 2021 and the  
2 proposed trial date of June 21, 2021, is a reasonable period of delay, as the defendant has  
3 requested more time to prepare for trial, review discovery, and investigate the matter. The Court  
4 finds that this additional time is necessary to provide defense counsel reasonable time to prepare  
5 for trial, considering counsel's schedule and all of the facts set forth above.

6 4. The Court further finds that this continuance would serve the ends of justice, and that  
7 these factors outweigh the best interests of the public and defendant in a speedier trial, within  
8 the meaning of 18 U.S.C. § 3161(h)(7)(A); see also W.D. Wash. Gen. Order Nos. 15-20, 18-20.

9 5. Defendant has executed a waiver indicating that he has been advised of his right to a  
10 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived  
11 that right and consented to the continuation of his trial to a date up to and including July 5, 2021,  
12 Dkt. # 15, which will permit his trial to start on June 21, 2021.

13 IT IS HEREBY ORDERED that the trial date shall be continued from March 15, 2021, to  
14 June 21, 2021, and pretrial motions are to be filed no later than May 7, 2021.

15 IT IS FURTHER ORDERED that the period of time from the current trial date of March  
16 15, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy  
17 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of  
18 this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),  
19 (h)(7)(A), and (h)(7)(B)(i), (iv).

20 IT IS SO ORDERED.

21 DATED this 25th day of February, 2021.  
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25 Robert S. Lasnik  
26 United States District Judge  
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